

the court, or, upon demand of the accused, by a jury” to eliminate unnecessary words and for consistency in the revised title.

In subsection (e), the words “who are required to attend a United States district court” are omitted as surplus. The words “be served in” are substituted for “run into” for clarity.

§ 30164. Service of process

(a) DESIGNATING AGENTS.—A manufacturer offering a motor vehicle or motor vehicle equipment for import shall designate an agent on whom service of notices and process in administrative and judicial proceedings may be made. The designation shall be in writing and filed with the Secretary of Transportation. The designation may be changed in the same way as originally made.

(b) SERVICE.—An agent may be served at the agent's office or usual place of residence. Service on the agent is deemed to be service on the manufacturer. If a manufacturer does not designate an agent, service may be made by posting the notice or process in the office of the Secretary.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 968.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30164(a)	15:1399(e) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, §110(e), 80 Stat. 724.
30164(b)	15:1399(e) (last sentence).	

In subsection (a), the words “A manufacturer offering . . . shall” are substituted for “It shall be the duty of every manufacturer offering . . . to” to eliminate unnecessary words. The words “into the United States”, “all . . . orders, decisions and requirements”, and “for and on behalf of said manufacturer” are omitted as surplus. The words “The designation may be changed in the same way as originally made” are substituted for “which designation may from time to time be changed by like writing, similarly filed” for clarity.

In subsection (b), the words “An agent may be served” are substituted for “Service of all administrative and judicial processes, notices, orders, decisions and requirements may be made upon said manufacturer by service upon such designated agent” to eliminate unnecessary words. The words “Service on the agent is deemed to be service on the manufacturer” are substituted for “with like effects as if made personally upon said manufacturer”, and the words “If a manufacturer does not designate an agent” are substituted for “and in default of such designation of such agent”, for clarity. The words “of process, notice, order, requirement or decision in any proceeding before the Secretary or in any judicial proceeding for enforcement of this subchapter or any standards prescribed pursuant to this subchapter” and “order, requirement or decision” are omitted as surplus.

§ 30165. Civil penalty

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—A person that violates any of section 30112, 30115, 30117 through 30122, 30123(d),¹ 30125(c), 30127, or 30141 through 30147, or a regulation prescribed thereunder, is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equip-

ment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is \$15,000,000.

(2) SCHOOL BUSES.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the maximum amount of a civil penalty under this paragraph shall be \$10,000 in the case of—

(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a school bus or school bus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or

(ii) a violation of section 30112(a)(2) of this title.

(B) RELATED SERIES OF VIOLATIONS.—A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by that section. The maximum penalty under this paragraph for a related series of violations is \$15,000,000.

(3) SECTION 30166.—A person who violates section 30166 or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph is \$5,000 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is \$15,000,000.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(c) CONSIDERATIONS.—In determining the amount of a civil penalty or compromise, the appropriateness of the penalty or compromise to the size of the business of the person charged and the gravity of the violation shall be considered.

(d) SUBPENAS FOR WITNESSES.—In a civil action brought under this section, a subpoena for a witness may be served in any judicial district.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 968; Pub. L. 103–429, §6(23), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 106–414, §5(a), Nov. 1, 2000, 114 Stat. 1803; Pub. L. 109–59, title X, §10309(c), Aug. 10, 2005, 119 Stat. 1942.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30165(a)	15:1398(a).	Sept. 9, 1966, Pub. L. 89–563, §109(a), 80 Stat. 723; Oct. 27, 1974, Pub. L. 93–492, §103(b), 88 Stat. 1478.
	15:1424(b) (related to civil penalty).	Sept. 9, 1966, Pub. L. 89–563, §§109(b), 110(d) (related to §109), 204(b) (related to civil penalty), 80 Stat. 723, 724, 729.

¹ See References in Text note below.